

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHELLE AUMANTADO DE GUZMAN
AND EDWARD V. DE GUZMAN,

No. C 09-03566 WHA

Plaintiffs,

v.

**ORDER MODIFYING
BRIEFING SCHEDULE**

GREENPOINT MORTGAGE FUNDING,
INC., GMAC MORTGAGE GROUP LLC,
GMAC MORTGAGE LLC and Does 1-10

Defendants.

Plaintiffs brought this action asserting claims relating to a mortgage loan they obtained from defendants including alleged violations of the Truth in Lending Act, the Real Estate Settlement Procedures Act, breach of the duty of good faith and fair dealing, fraud and intentional infliction of emotional distress. Defendants GMAC Mortgage, LLC and GMAC Mortgage Group, LLC filed a motion to dismiss the claims against them and a motion to expunge the notice of lis pendens recorded by plaintiffs against the property on the same day this action was initiated. The motion is scheduled to be heard on October 29, 2009. Pursuant to Civil Local Rule 7-3, any brief in opposition to the motion was due on October 8, 2009, but no such opposition has been received.

Plaintiffs were ordered to show cause for their failure to respond to the motion in accordance with Civil Local Rule 7-3(a) and Attorney William Jemmott responded that he miscalendared the opposition to defendants' motion to dismiss. He also stated that he is withdrawing from representing plaintiffs in this case and requests that the hearing on

1 defendants' motion be continued for 60 days "to allow the plaintiffs to find new counsel." This
2 request is **DENIED**. Plaintiffs brought this action and therefore should be prepared to pursue it
3 promptly.

4 A new briefing schedule will be set but no further extensions will be granted barring
5 exceptional circumstances. The hearing on October 29, 2009, is **VACATED**. Plaintiffs'
6 opposition to defendants' motions is due on or before **OCTOBER 22, 2009**. Defendants' reply is
7 due on or before **October 29, 2009**. A hearing will be noticed if necessary by the Court if there
8 is not a decision on the papers first.

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10 **IT IS SO ORDERED.**

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12 Dated: October 14, 2009.



13 WILLIAM ALSUP
14 UNITED STATES DISTRICT JUDGE
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